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COMMISSION ON HUMAN RIGHTS

Fiftieth session

SUMMARY RECORD OF THE 57th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 4 March 1994, at 7 p.m.

Chairman: Mr. van WULFFTEN PALTHE (Netherlands)

CONTENTS

Advisory services in the field of human rights (continued)

Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

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GE.94-12366 (E)

The meeting was called to order at 7.20 p.m.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued) (E/CN.4/1994/L.74 and L.55/Rev.1)

Draft resolution E/CN.4/1994/L.74

1. Mr. WILLIS (Australia) said that the sponsors of draft resolution E/CN.4/1994/L.74 had consulted widely with all interested parties. Those consultations had resulted in further amendments, which had been circulated before the meeting. He hoped that the resulting text, which would appear as document E/CN.4/1994/L.74/Rev.1, could be adopted by consensus.

2. Mr. LEBAKINE (Acting Secretary of the Commission) announced that Cambodia, Austria, Indonesia, Canada, New Zealand, Japan, Thailand, France, Sweden, Singapore, the United States of America, the Philippines, Norway and Ireland wished to become sponsors of the draft resolution.

3. Mr. MALGINOV (Russian Federation) said that a representative of his delegation was just about to add the name of the Russian Federation to the list of sponsors.

4. Mr. LEBAKINE (Acting Secretary of the Commission) said that the draft resolution was considered to be within the scope of perennial activities and that resources for its implementation would therefore be provided from within existing provisions for the Economic and Social Council human rights mandate of the approved programme budget for the biennium 1994-1995.

5. Draft resolution E/CN.4/1994/L.74, as amended, was adopted without a vote.

Draft resolution E/CN.4/1994/L.58/Rev.1

6. Mr. TARRE MURZI (Venezuela) said that the sponsors of draft resolution E/CN.4/1994/L.58/Rev.1 hoped that as in the previous two years the text of the draft resolution would be adopted by consensus. He added that some stylistic changes had been made to bring the English and Spanish texts into line with each other.

7. Mr. LEBAKINE (Acting Secretary of the Commission) announced that Honduras, the United States of America and Spain wished to become sponsors of the draft resolution. As to the administrative and programme budget implications, he said that the draft resolution was considered to be within the scope of perennial activities and resources for its implementation would therefore be provided from within existing provisions for the Economic and Social Council human rights mandate of the approved programme budget for the biennium 1994-1995.

8. Draft resolution E/CN.4/1994/L.58/Rev.1 was adopted without a vote.

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT (agenda item 7) (continued) (E/CN.4/1994/L.17, 18, 20 and 22)

Draft resolution E/CN.4/1994/L.22

9. Ms. WENSLEY (Australia), announcing the results of consultations following her earlier introduction of draft resolution E/CN.4/1994/L.22, said that in addition to the amendments to preambular paragraph 1, proposed by Cuba and the United Kingdom, two further amendments had been proposed. According to the amendments the second half of preambular paragraph 9 would be deleted and the paragraph would therefore read "Considering that trade unions can contribute most significantly to the realization of effective popular participation and thus to development,"; and in operative paragraph 1 the words 'trade union rights freely and in full" would be deleted and replaced by the words "right to organize and to form and join trade unions for the protection of their interests".

10. Mr. SIRAT (Malaysia) said that his delegation had had some difficulties with the original text and had appreciated the opportunity for further consultations. It considered that the proposed amendments represented a good compromise and it could support the adoption of the amended text.

11. Draft resolution E/CN.4/1994/L.22, as amended, was adopted without a vote.

12. The CHAIRMAN invited delegations to explain their votes on previous resolutions.

13. Mr. MALGINOV (Russian Federation), speaking in explanation of vote, said that his delegation had abstained on draft resolution E/CN.4/1994/L.17 because it felt that foreign debt should not be used by Governments as an excuse to evade their responsibilities on eliminating violations against human rights. It had felt that it was inappropriate to burden the Commission with matters not pertaining to its mandate.

14. Mr. STEEL (United Kingdom), speaking in explanation of vote after the vote on draft resolution E/CN.4/1994/L.17, said that his delegation continued to be concerned at low standards of living, health and education in many developing countries, and that it was firmly committed to the international debt strategy as one important way of addressing those problems. It believed, however, that it was neither possible nor helpful to link human rights to indebtedness, and it had therefore voted against the draft resolution.

15. Mr. MARUYAMA (Japan), speaking in explanation of vote after the vote on draft resolution E/CN.4/1994/L.17, said that Japan had extended various kinds of assistance to heavily indebted countries, and would continue to do so. However, his delegation regretted that the draft resolution not only failed to reflect the agreed language on the matter contained in Part I, paragraph 12 of the Vienna Declaration and Programme of Action, but also tried to create new ideas, linking the problem of foreign debt with human rights questions with a view to alleviating the debt burden. Japan had difficulty in accepting such an idea, and had therefore voted against the draft resolution.

16. With regard to draft resolution E/CN.4/1994/L.18, while it was interested in the question of the realization of economic, social and cultural rights in all countries, his delegation was not convinced of the appropriateness or desirability of the optional protocol referred to in paragraph 6 of the draft resolution. If that matter was to be taken up, the Commission itself should give thorough consideration to the desirability of such a protocol, if necessary, by setting up an open-ended working group.

17. Mr. CROOK (United States of America), speaking in explanation of vote after the vote, said that the United States of America supported efforts to alleviate the debt burdens of highly indebted countries, but could not join consensus on the draft resolution contained in document E/CN.4/1994/L.17. The implication that debt repayment policies had somehow caused human rights violations to occur was not correct, and contradicted the principles set forth in the Vienna Declaration that lack of development could not be invoked to justify the abridgement of internationally recognized human rights. From a reading of the draft resolution, one would conclude that the international financial situation had not changed since 1983. In actual fact, however, substantial progress had been made in reducing and restructuring the debts of developing countries in recent years. Though many countries continued to have difficulty servicing their external debts, the overall picture was now positive.

18. The World Bank and International Monetary Fund, rather than the Commission, were the appropriate bodies to make specific recommendations on the handling of international debt matters. The Commission was ill-equipped to deal with intricacies such as the level of debt reduction needed to stimulate economic viability and to maintain internal and external balances at levels consistent with sustainable growth. His delegation had therefore voted against the draft resolution.

19. His delegation had joined consensus on the draft resolution contained in document E/CN.4/1994/L.20, on the understanding that the activities provided for therein would be funded from existing resources of the United Nations budget. With regard to the group of Sub-Commission decisions adopted under agenda item 7, his delegation had voted in favour of them in the interests of consensus, although it viewed some of those decisions as having limited utility; and again on the understanding that the activities provided for therein would be funded from existing resources.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1994/3-6, 7 Corr.1 and Add.1-2, 8, 46-61, 97, 102-104, 110, 115, 119-120, 122 and 123; E/CN.4/1994/NGO/7, 9, 12-15, 22-24, 26, 28-29, 37, 40, and 42-44; A/48/526 and Add.1, 561-562, 578, 584, 600 and Add.1, and 601)

20. Mr. CANGELARIS (Observer for Greece), speaking in exercise of the right of reply, said that in exercising his right of reply the previous evening, the observer for Turkey had tried to divert attention from his country's heavy responsibility regarding the Cyprus issue by repeating all-too-familiar allegations in a hopeless attempt simultaneously to confront the findings of the Commission and of the European Commission of Human Rights, as well as the many resolutions of the General Assembly and the Security Council. Serious matters relating to occupation, settlement policy and missing persons could not be solved by resorting to false and groundless argumentation in an attempt to blame the other side. His delegation simply wished to see Turkey heed the pronouncements made from all quarters and implement the resolutions of the United Nations.

21. Mrs. MARKIDES (Cyprus), speaking in exercise of the right of reply, said that her delegation did not wish to waste the Commission's time in repudiating the baseless allegations made by the Turkish observer delegation regarding the condition of the Turkish Cypriot community before 1974. The reports of the Secretary-General were extremely eloquent in that regard. Why did Turkey not dare to submit those allegations to the scrutiny of judicial human rights bodies to which both countries were party? The fact that the Turkish Cypriot population, which had been increasing before 1974, had dwindled ever since the Turkish invasion, refuted those allegations. The Turkish observer delegation was simply attempting to divert the Commission's attention from continued violations of human rights by Turkey.

22. Mr. AKHUND (Pakistan), speaking in exercise of the right of reply, said that in exercising his right of reply the previous evening, the representative of India had spoken at length on the fundamentals of the political dispute concerning Jammu and Kashmir. That, however, was not the issue facing the Commission. Regarding the pertinent issue, namely, the actual situation of human rights in Jammu and Kashmir, the representative of India had said little or nothing.

23. He wished to put some specific questions to the representative of India, all of which could be answered with a simple "yes" or "no". First, regarding the religion-motivated terrorism allegedly inspired by Pakistan: was India prepared to put those allegations to the scrutiny of some independent body, and if not, why not? Secondly, was India prepared to release the Kashmiri political leaders imprisoned in India, and the tens of thousands of other Kashmiris who were in jail, the majority of them detained without charges or trial? Thirdly, was India prepared to rescind the draconian laws that gave free reign to the Indian security forces and absolved them from legal

responsibility for their actions? With 600,000 troops in Indian-held Kashmir, was India prepared to remove the additional two divisions it had inducted into the area in the last few months? Finally, would it allow free, unconditional and unfettered access to Indian-held Kashmir by human rights organizations, the media and individuals?

24. The representative of India had claimed, in his capacity as a Kashmiri born, bred and educated, that Kashmir belonged to India and that Kashmir was a part of India. However, there were 1? million other Kashmiris in addition to the representative of India, who were simply seeking the same right to declare whether they wished to be a part of India or not.

25. Mr. KAUL (India), speaking in exercise of the right of reply, said that he had already answered most of the questions put by the representative of Pakistan. The situation actually prevailing in Jammu and Kashmir was well known to the outside world; pursuant to its policy of openness and transparency, India had invited representatives of the International Commission of Jurists, the International Committee of the Red Cross and the Commission itself to visit Kashmir. In addition to the 8 to 10,000 persons that had visited the State recently, travelling without any restrictions, a large number of foreign diplomats and parliamentarians and as many as 142 foreign journalists had had unrestricted access to Kashmir. Representatives of the European Union troika had visited the State, not for one but for four days, and had publicly acknowledged the unstructured character of their visit. The claim by the representative of Pakistan that they had been prevented from meeting anyone or going anywhere was thus astonishing.

26. That Pakistan had called for self-determination on the basis of religion could not be denied - all the world knew of it, and some members of the Pakistan Parliament had boasted about it. To heed such a call would be to set a dangerous precedent with implications for many sovereign independent States with multi-religious communities.

27. Pakistan had harped on the United Nations resolutions on Kashmir, without itself fulfilling the basic recommendation of the Commission, that Pakistan should first withdraw all its regular and irregular troops from Jammu and Kashmir. It thus had no right to demand a plebiscite on self-determination. India had extended the hand of friendship to Pakistan as one civilized nation to another. Relations between India and China served as a salutary example in that regard: in spite of the unfortunate conflict of 1962, both countries were trying to draw closer to one another and resolve their differences by peaceful and bilateral means. Border tensions had been substantially reduced. Why could Pakistan not follow that example? India could have tabled a draft resolution similar to the one tabled by Pakistan or, indeed, one still more scathing, regarding human rights violations and State support for terrorism by Pakistan; but preferred to adopt a bilateral and peaceful approach. He thus hoped that all countries would show their appreciation of that approach by voting against the draft resolution tabled by Pakistan.

28. Mr. GULDERE (Observer for Turkey), speaking in exercise of the right of reply, said that he had been unable to grasp the relationship between the statement made at the current meeting by the observer delegation of Greece in

exercise of its right of reply and the statement made by his own delegation in exercise of that right the previous evening. The intention of the representative of Greece seemed to be to try to create a polemic by referring to United Nations resolutions at a time when the Secretary-General was himself personally involved in inter-community talks on the future of the island. In her statement, the Greek Cypriot representative had also referred to the peace and harmony that had reigned between the two communities for centuries. However, he wished to remind the Commission that that peace and harmony had prevailed under administrations other than the current one, and had lasted only until the outbreak of EOKA terrorism in the mid-1950s.

29. Mr. AKHUND (Pakistan), speaking in exercise of the right of reply, said that as usual the representative of India had replied without providing any answers. While he did not require immediate answers to the precise and seriously meant questions he had put, he urged the Indian delegation to reflect on them and to come up with positive answers in its own time; for that way lay the road to peace. Those questions were: would India allow the United Nations observers already on the spot to carry out an independent verification of the charges of religion-motivated terrorism by Pakistan; and, if not, why not? Would it release the Kashmiri political leaders and thousands of other Kashmiris from prison? Would it rescind the laws that permitted the Indian security authorities to exercise arbitrary power? Would it withdraw the additional troops that had been inducted into Kashmir in the past few months? And lastly, would it allow free, unconditional and unfettered access to Indian-held Kashmir by human rights organizations, the electronic media and others?

30. Mr. MAVIOR (Cyprus), speaking on a point of order, said that the representative of the observer delegation of Turkey had referred to the "Greek Cypriot" delegate of the Commission. No such delegate existed: the representative in question was the delegate of the Republic of Cyprus, which was a member of the Commission.

31. Mr. CANGELARIS (Observer for Greece) speaking in exercise of the right of reply, said that to refer to United Nations resolutions was not an exercise in polemics. The rule of law must prevail, and United Nations resolutions must be implemented.

The meeting rose at 8.30 p.m.